

1 House BILL NO. 502
2 INTRODUCED BY Costantini Spague
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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE MONTANA RADON CONTROL ACT;
5 CLARIFYING WHEN A RADON DISCLOSURE STATEMENT MUST BE PROVIDED TO A BUYER; AND
6 AMENDING SECTIONS 75-3-602 AND 75-3-606, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 75-3-602, MCA, is amended to read:

11 **"75-3-602. Definitions.** As used in this part, the following definitions apply:

- 12 (1) "Department" means the department of health and environmental sciences.
- 13 (2) "Inhabitable real property" means any real property that includes a building affixed to land. The
14 building must be designed to be primarily occupied by humans, either as a dwelling or as a place of
15 business.
- 16 (3) "Mitigation project" means to repair or alter a building or design for the purpose, in whole or
17 in part, of reducing the concentration of radon in the indoor atmosphere.
- 18 (4) "Person" means an individual, partnership, corporation, sole proprietorship, firm, enterprise,
19 franchise, association, consultant, state or municipal agency, political subdivision of the state, or any other
20 entity.
- 21 (5) "Radon" means any of the gaseous radioactive decay products of uranium or thorium.
- 22 (6) "Radon progeny" means any of the radioactive decay products of radon.
- 23 (7) "Radon-related occupation" means the occupation of any person who performs radon gas or
24 radon progeny measurements, including sample collection, analysis, or interpretation of those
25 measurements, or who performs radon gas or radon progeny mitigation."

26
27 **Section 2.** Section 75-3-606, MCA, is amended to read:

28 **"75-3-606. Radon disclosure statement on real estate documents -- disclosure of prior radon testing**
29 **-- immunity from liability.** (1) ~~After January 1, 1994, a~~ A radon disclosure statement must be provided on
30 at least one document, form, or application executed prior to ~~the execution of any contract or~~ or

1 contemporaneously with an offer for the purchase and sale of inhabitable real property. The seller or seller's
2 agent shall provide the following disclosure statement to the buyer, and the buyer shall acknowledge receipt
3 of this disclosure statement by signing a copy of the disclosure statement:

4 "RADON GAS: RADON IS A NATURALLY OCCURRING RADIOACTIVE GAS THAT, WHEN IT HAS
5 ACCUMULATED IN A BUILDING IN SUFFICIENT QUANTITIES, MAY PRESENT HEALTH RISKS TO PERSONS
6 WHO ARE EXPOSED TO IT OVER TIME. LEVELS OF RADON THAT EXCEED FEDERAL GUIDELINES HAVE
7 BEEN FOUND IN BUILDINGS IN MONTANA. ADDITIONAL INFORMATION REGARDING RADON AND
8 RADON TESTING MAY BE OBTAINED FROM YOUR COUNTY OR STATE PUBLIC HEALTH UNIT."

9 (2) Whenever a seller knows that a building has been tested for radon gas and radon progeny, the
10 seller shall provide to the buyer, ~~with the contract of sale~~ prior to or upon entry into a contract for the
11 purchase of that building, a copy of the results of that test and evidence of any subsequent mitigation or
12 treatment. A prospective buyer who contracts for the testing may receive the results of that testing. The
13 furnishing of test results and evidence of mitigation or treatment is not to be construed as a promise,
14 warranty, or representation of any sort by the seller or the seller's agent that the test results are accurate
15 or that the mitigation or treatment is effective. This section does not create a contingency on the purchase
16 of the property or any right to rescind a contract for purchase unless the contingency or right to rescind
17 is an express term of the applicable contract.

18 (3) A seller or seller's agent who complies with subsections (1) and (2) is not liable in any action
19 based on the presence of radon gas or radon progeny in the building."

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-END-

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House BILL NO. 502

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(3) "Mitigation project" means to repair or alter a building or design for the purpose, in whole or
 in part, of reducing the concentration of radon in the indoor atmosphere.

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18 (3) A seller or seller's agent who complies with subsections (1) and (2) is not liable in any action
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-END-

1 HOUSE BILL NO. 502

2 INTRODUCED BY COCCHIARELLA, SPRAGUE

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